

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: Anthony T. Joiner and Raquel C.
Joiner
Debtors.

Nationstar Mortgage LLC dba Mr. Cooper as servicer for The Bank of New York Mellon fka The Bank of New York as successor in interest to JPMorgan Chase Bank, N.A., as Trustee for Centex Home Equity Loan Trust 2006-A

Movant,

v.

Anthony T. Joiner and Raquel C. Joiner
Debtors,

William C. Miller, Trustee,
Additional Respondent.

CHAPTER 13

BANKRUPTCY CASE NUMBER
18-15224-ELF

11 U.S.C. § 362

November 20, 2018 at 9:30am

Courtroom # 1

**MOTION OF NATIONSTAR MORTGAGE LLC DBA MR. COOPER AS SERVICER
FOR THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS
SUCCESSOR IN INTEREST TO JPMORGAN CHASE BANK, N.A., AS TRUSTEE FOR
CENTEX HOME EQUITY LOAN TRUST 2006-A FOR RELIEF, FROM THE
AUTOMATIC STAY UNDER SECTION 362 (d)**

Secured Creditor, Nationstar Mortgage LLC dba Mr. Cooper as servicer for The Bank of New York Mellon fka The Bank of New York as successor in interest to JPMorgan Chase Bank, N.A., as Trustee for Centex Home Equity Loan Trust 2006-A ("Movant"), by and through its undersigned counsel, pursuant to 11 U.S.C. § 362, hereby seeks relief from the automatic stay to exercise and enforce its rights, without limitation, with respect to certain real property. In support of this motion, Movant avers as follows:

1. Debtors named above filed a Voluntary Petition under Chapter 13 of the United States Bankruptcy Code in the Eastern District of Pennsylvania under the above case number.
2. Movant is the holder of a secured claim against Debtors secured only by a first mortgage lien on real estate which is not the principal residence of Debtors located at 2938 E. Street, Philadelphia, PA 19134 (the "Mortgaged Premises").
3. Nationstar Mortgage LLC dba Mr. Cooper services the loan on the property referenced in this motion for relief. In the event the automatic stay in this case is modified, this case dismisses and/or the debtor obtains a discharge and a

foreclosure action is commenced on the mortgaged property, the foreclosure will be conducted in the name of The Bank of New York Mellon fka The Bank of New York as successor in interest to JPMorgan Chase Bank, N.A., as Trustee for Centex Home Equity Loan Trust 2006-A.

4. Nationstar Mortgage LLC dba Mr. Cooper, directly or through an agent, has possession of the promissory note. The promissory note is either made payable to Noteholder or has been duly indorsed in blank. Noteholder is the original mortgagee, or beneficiary, or the assignee of the security instrument for the referenced loan.
5. Additional Respondent is the Standing Trustee appointed in this Chapter 13 proceeding.
6. The filing of the Petition operated as an automatic stay under Section 362(a) of the Bankruptcy Code of proceedings to foreclose on the mortgage held by Movant on the Mortgaged Premises.
7. Debtors have not claimed an exemption in the subject property.
8. Debtor has failed to make all post-petition monthly mortgage payments.
9. The defaults include the following monthly payments and charges:
 - a) Payments of \$395.16 from September 1, 2018 through October 1, 2018 which totals \$790.32;
 - b) The total amount due (9(a) through 9(a) combined) is \$790.32
10. The Fair Market Value of the Property is \$66,800.00, as per Debtor's Schedules. The approximate amount necessary to pay off the loan is \$100,173.87 good through October 22, 2018. The breakdown of the payoff is as follows:

Principal Balance	\$68,715.80
Accrued Interest	\$633.98
Escrow Advances made by Plaintiff	\$249.82
Corporate Advances	\$30,574.27

11. Movant's interests are being immediately and irreparably harmed. Movant is entitled to relief, from the automatic stay, pursuant to either 11 U.S.C. § 362 (d)(1) or (d)(2), because of the foregoing default and because:
 - a) Movant lacks adequate protection for its interests in the Mortgaged Premises;
 - b) Debtors do not have any equity in the Mortgaged Premises; and

- c) The Mortgaged Premises are not necessary to an effective reorganization or plan.
- 12. Movant requests that the Court waive Rule 4001(a)(3), permitting Movant to immediately implement and enforce the Court's order.
- 13. Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase order, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements in support of right to seek a lift of the automatic stay and foreclose if necessary.

WHEREFORE, Movant respectfully moves this Court for an Order (i) granting Movant relief from the automatic stay to foreclose upon and to otherwise exercise and enforce its rights with respect to the Mortgaged Premises, (ii) awarding reasonable attorneys' fees incurred in the preparation and presentation of this motion, and (iii) granting all such other and further relief as the Court deems appropriate and necessary. A proposed order to such effect is submitted herewith.

Respectfully submitted,

Dated: 10/24/2018

S&D File #:18-061067

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